

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOSE ANGEL IBARRA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 14-cv-0395-MJR-SCW
)	
DR. HENDERSON,)	
)	
Defendant.)	

MEMORANDUM & ORDER

This civil rights action was commenced by Plaintiff Ibarra in March 2014 while incarcerated at Lawrence Correctional Center (Doc. 1). Since that time, the Plaintiff submitted a notice, indicating he had been released from prison and provided a new address (Doc. 19), but thereafter numerous documents have been returned undelivered. No additional changes of address were filed. After several discovery documents were returned, Defendant learned that the Plaintiff had been deported (Doc. 26-3) and filed a motion to dismiss for want of prosecution on July 26, 2015 (Doc. 26). A hearing was set on the motion, and Plaintiff was explicitly warned that a failure to appear could potentially result in dismissal (Doc. 28).

On August 10, 2015, the Honorable Stephen C. Williams, United States Magistrate Judge, conducted a hearing on Defendant's pending motion. Plaintiff failed to appear and has never filed a response to Defendant's motion. Now before the Court

is a Report and Recommendation (“R&R”) filed by Magistrate Judge Williams at the conclusion of the hearing (Doc. 30), detailing the above facts, and noting Plaintiff’s multiple failures to prosecute (*Id.* at 1-2). Based upon these facts, the Magistrate Judge recommended that dismissal was warranted under Federal Rules of Civil Procedure 37(b) and 41(b) (*Id.* at 2). The parties had until August 27, 2015, to object to the R&R, and that deadline has elapsed. No party filed any objections or requested an extension of the objection-filing deadline. Pursuant to 28 U.S.C. § 636(b), the undersigned District Judge need not conduct *de novo* review of the R&R. **28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”).** *See also Thomas v. Arn*, 474 U.S. 140 (1985); *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 741 (7th Cir. 1999); *Video Views Inc., v. Studio 21, Ltd.*, 797 F.2d 538 (7th Cir. 1986).

The Court hereby **ADOPTS** the R&R (Doc. 30) in its entirety and **GRANTS** Defendant’s motion to dismiss for want to prosecution (Doc. 26). All settings related to this matter are hereby cancelled. The Clerk of Court **SHALL** enter judgment accordingly.

IT IS SO ORDERED.

DATED: **August 31, 2015**

s/ Michael J. Reagan
Michael J. Reagan
Chief Judge
United States District Court